

(O-91-104)

ORDINANCE NUMBER O-17588 (NEW SERIES)

ADOPTED ON JAN 22 1991

ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, AUTHORIZING THE LEVY OF A SPECIAL TAX IN A COMMUNITY FACILITIES DISTRICT.

(Community Facilities District No. 1 [Miramar Ranch North])

WHEREAS, the City Council of the City of San Diego, California, (hereinafter referred to as the "legislative body of the local Agency"), has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a Community Facilities District, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (hereinafter referred to as the "Act"). This Community Facilities District shall hereinafter be referred to as Community Facilities District No. 1 [Miramar Ranch North] (hereinafter referred to as the "District"); NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That the above recitals are all true and correct.

Section 2. That this legislative body does, by the passage of this Ordinance, authorize the levy of special taxes at the rate and formula as set forth in Exhibit "A" attached hereto,

referenced and so incorporated, to all properties within the boundaries of the District, including any future annexations.

Section 3. That this legislative body is hereby further authorized each year, by resolution, to determine the specific special tax rate and amount to be levied for the next fiscal year, except that the special tax rate to be levied shall not exceed that as set forth above, but the special tax may be levied at a lower rate.

Section 4. Properties or entities of the State, Federal or other local governments shall, except as otherwise provided in Section 53317.3 of the Government Code of the State of California, be exempt from the above-referenced and approved special tax.

Section 5. The proceeds of the above authorized and levied special tax may only be used to pay, in whole or in part, the costs of the following, in the following order of priority:

- A. Payment of principal of and interest on any outstanding authorized bonded indebtedness;
- B. Necessary replenishment of bond reserve funds or other reserve funds;
- C. Payment of costs and expenses of authorized public facilities, services, and incidental expenses pursuant to the Act; and
- D. Repayment of advances and loans, as appropriate.

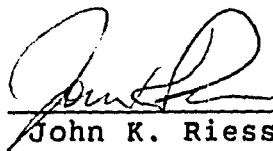
The proceeds of the special tax shall be levied only so long as needed for its purpose, and shall not be used for any other purpose.

Section 6. The above authorized special tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in case of delinquency as is provided for ad valorem taxes.

Section 7. The above authorized special tax shall be secured by the lien imposed pursuant to Sections 3114.5 and 3115.5 of the Streets and Highways Code of the State of California, which lien shall be a continuing lien and shall secure each levy of the special tax. The lien of the special tax shall continue in force and effect until the special tax obligation is prepaid, permanently satisfied and cancelled in accordance with Section 53344 of the Government Code of the State of California or until the special tax ceases to be levied by the legislative body of the local Agency in the manner provided in Section 53330.5 of said Government Code.

Section 8. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 

John K. Riess
Deputy City Attorney

JKR:pev
12/19/90
Or.Dept:E&D
O-91-104
Form=o.cfd.tax

JAN 22 1991

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Blonda R. Barnes*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JAN 8 1991

JAN 22 1991

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage~~

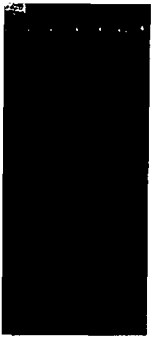
I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Blonda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number	Adopted
0-17588	JAN 22 1991



RECEIVED
CITY CLERK'S OFFICE
90 DEC 20 PM 1:38
SAN DIEGO, CALIF.

ORDINANCE NUMBER O-17588 (NEW SERIES)

READOPTED ON FEBRUARY 19, 1991

ORDINANCE OF THE COUNCIL OF THE CITY OF SAN
DIEGO, CALIFORNIA, AUTHORIZING THE LEVY OF A
SPECIAL TAX IN A COMMUNITY FACILITIES
DISTRICT.

(Community Facilities District No. 1 [Miramar Ranch North])

WHEREAS, the City Council of the City of San Diego, California, (hereinafter referred to as the "legislative body of the local Agency"), has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a Community Facilities District, all as authorized pursuant to the terms and provisions of the "Mello-Roos Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (hereinafter referred to as the "Act"). This Community Facilities District shall hereinafter be referred to as Community Facilities District No. 1 [Miramar Ranch North] (hereinafter referred to as the "District"); NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That the above recitals are all true and correct.

Section 2. That this legislative body does, by the passage of this Ordinance, authorize the levy of special taxes at the rate and formula as set forth in Exhibit "A" attached hereto,

referenced and so incorporated, to all properties within the boundaries of the District, including any future annexations.

Section 3. That this legislative body is hereby further authorized each year, by resolution, to determine the specific special tax rate and amount to be levied for the next fiscal year, except that the special tax rate to be levied shall not exceed that as set forth above, but the special tax may be levied at a lower rate.

Section 4. Properties or entities of the State, Federal or other local governments shall, except as otherwise provided in Section 53317.3 of the Government Code of the State of California, be exempt from the above-referenced and approved special tax.

Section 5. The proceeds of the above authorized and levied special tax may only be used to pay, in whole or in part, the costs of the following, in the following order of priority:

- A. Payment of principal of and interest on any outstanding authorized bonded indebtedness;
- B. Necessary replenishment of bond reserve funds or other reserve funds;
- C. Payment of costs and expenses of authorized public facilities, services, and incidental expenses pursuant to the Act; and
- D. Repayment of advances and loans, as appropriate.


The proceeds of the special tax shall be levied only so long as needed for its purpose, and shall not be used for any other purpose.

Section 6. The above authorized special tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall be subject to the same penalties and the same procedure, sale and lien priority in case of delinquency as is provided for ad valorem taxes.

Section 7. The above authorized special tax shall be secured by the lien imposed pursuant to Sections 3114.5 and 3115.5 of the Streets and Highways Code of the State of California, which lien shall be a continuing lien and shall secure each levy of the special tax. The lien of the special tax shall continue in force and effect until the special tax obligation is prepaid, permanently satisfied and cancelled in accordance with Section 53344 of the Government Code of the State of California or until the special tax ceases to be levied by the legislative body of the local Agency in the manner provided in Section 53330.5 of said Government Code.

Section 8. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 
John K. Riess
Deputy City Attorney

JKR:pev
12/19/90
02/21/91 REV.1
Or.Dept:E&D
O-91-104
Form=o.cfd.tax

-100

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By  Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JAN 0 8 1991

FEB 1 9 1991

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By  Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17588** FEB 19 1991
re Adopted

FEB 19 1991

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By  Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JAN 08 1991

FEB 19 1991

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By  Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17588** RE Adopted FEB 19 1991

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

91 MAR 11 AM 9:43⁹⁵

SAN DIEGO, CALIF.

CITY CLERK'S OFFICE
CITY ADMN. BLDG.
202 C ST.
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

ORDINANCE OF THE CITY OF SAN DIEGO CALIFORNIA, AUTHORIZING
THE LEVY OF A SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT...

ORDINANCE NUMBER 0-17588
ORDINANCE OF THE CITY OF SAN DIEGO CALIFORNIA
AUTHORIZING THE LEVY OF A SPECIAL TAX IN A COMMUNITY FACILITIES DISTRICT.

(Community Facilities District No. 1 (Miramar Ranch North))
This ordinance authorizes the levy of special taxes within Community Facilities District No. 1. The taxes are to be levied at the rate and formula set forth in an attachment to the Ordinance. The ordinance permits annual review and adjustment of the tax rate, but the rate cannot be raised above the adopted special tax rate. The ordinance provides that the special taxes do not apply to specified governmental entities and describes the purposes for which the tax proceeds may be expended.

The ordinance provides that the special tax shall be collected in the same manner as ad valorem taxes and that the taxes are secured by liens imposed upon the assessed properties pursuant to the Streets and Highways Code.

Passed and adopted by the Council of The City of San Diego on FEB 19 1991, by the following vote:
YEAS: Hartley, Pratt, Bernhardt, Henderson, McCarty.
NAYS: Wolfeheimer, Mayor O'Connor.
NOT PRESENT: Roberts, Filner.
AUTHENTICATED BY:
MAUREEN O'CONNOR
Mayor of The City of San Diego, California.
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
By **SUZANNE OLIVA**, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on FEB 5, 1991, and on FEB 19 1991.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
By **SUZANNE OLIVA**, Deputy

Pub. March 5 214394

I, Thomas D. Kelleher, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

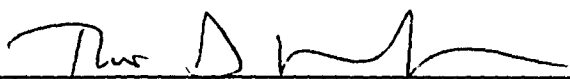
ORDINANCE NUMBER 0-17588

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

MAR. 5

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 5TH day of MAR, 19 91.


(Signature)

Page 1 of 1

7 1/2 = 93.48